



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

CERTIFIED MAIL: RETURN RECEIPT REQUIRED

Mr. Bob Barker
Mass Merchandisers, Inc.
Highway 43 & Cottonwood Road
P. O. Box 790
Harrison, AR 72602-0790

Dear Mr. Barker:

Thank you for the March 30, 1990, Remedial Investigation and Feasibility Study reports. The Remedial Investigation report is approved as written, and resolves Mass Merchandisers, Inc.'s (MMI) responsibility for the Remedial Investigation under the Administrative Order on Consent CERCLA 06-6-86 (AOC).

Over the past several months by letters and during our March 21, 1990, conference in Dallas, U.S. EPA and ADPC&E informed you that Arkansas Regulation No. 2 is an applicable or relevant and appropriate regulatory standard with respect to Cricket Creek and its tributaries. ~~US~~ EPA and ADPC&E have no discretion in not requiring MMI to adhere to this ARAR. Although the remainder of the Feasibility Study report is acceptable, your continued failure to satisfactorily address this ARAR leaves us with no choice but to disapprove the Feasibility Study report as written. In particular, MMI has not modified the FS report to satisfy EPA's comment #7, of the April 3, 1990, comment set (Page 3-14, As was discussed with the State of Arkansas... etc.), and comment #9 (Page 10-1, Alternative A does not meet ARARs... etc.) which are directly related to this ARAR issue. This disapproval ends MMI's obligations under the AOC. (ARAR)

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604, as amended, you are requested to provide to EPA a copy of the Feasibility Study, on computer diskette. Provide the report, as written, on a

Changes made by *Wendy Gentry* 5/2/90
Annette Green MB

187760



BOOKMARK

CERTIFIED MAIL: RETURN RECEIPT REQUIRED

Mr. Bob Barker
Mass Merchandisers, Inc.
Highway 43 & Cottonwood Road
P. O. Box 790
Harrison, AR 72602-0790

Dear Mr. Barker:

Thank you for the March 30, 1990, Remedial Investigation and Feasibility Study reports. The Remedial Investigation report is approved as written, and resolves Mass Merchandisers, Inc.'s (MMI) responsibility for the Remedial Investigation under the Administrative Order on Consent CERCLA 06-6-86 (AOC).

Over the past several months by letters and during our March 21, 1990 conference in Dallas, U.S. EPA and ADPC&E informed you that Arkansas Regulation No. 2 is an applicable or relevant and appropriate regulatory standard with respect to Cricket Creek and its tributaries. U.S. EPA and ADPC&E have no discretion in not requiring MMI to adhere to this ARAR. Your continued failure to satisfactorily address this ARAR leaves us with no choice but to disapprove the Feasibility Study report as written. In particular, MMI has not modified the FS report to satisfy EPA's comment #7, of the April 3, 1990 comment set (Page 3-14, As was discussed with the State of Arkansas... etc.), and comment #9 (Page 10-1, Alternative A does not meet ARARs... etc.). This disapproval ends MMI's obligations under the AOC. which are directly related to this ARAR issue.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604, as amended, you are requested to provide to EPA a copy of the Feasibility Study, on computer diskette. Provide the report, as written, on a WordPerfect file, provided on a 3.5", DS, HD diskette. Provide this information within 14 days of your receipt of this request. If you have any questions regarding this request, please call Mr. Brent Truskowski at (214) 655-6582, or Mr. Marvin Benton at (214) 655-2120.

Sincerely yours,

Allyn M. Davis
Director
Hazardous Waste Management Division (6H)

cc: Dan MacLemore, Weston
Doice Hughes, ADPC&E
Jean Mescher, McKesson Corp.
Rich Fuller, ERM-Southwest

bcc: Marvin Benton (6C-R)

6H-EA:TRUSKOWSKI:5/1/90:arr:DK#ARKWOOD-DT #10

6H-EA

6H-E

6C-R

6C-S

6C-R

6H

Although the remainder of the Feasibility Study report is acceptable,

5/2/90

Changes / deletions
Mark Ruycke.

MB

